



Jefferson County Public Health  
Rules and Regulations Governing Body Art  
Establishments in Jefferson County, Colorado

**PROMULGATED BY THE BOARD OF HEALTH  
OF JEFFERSON COUNTY**

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**Pursuant to Title 25-04-2101, et seq. Colorado Revised Statutes**

**6 CCR 1010-22**

**STATE BOARD OF HEALTH**

**RULES AND REGULATIONS FOR BODY ART ESTABLISHMENTS**

**(Adopted July 18, 2001, effective August 30, 2001)**

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## SECTION 1: POWERS & DUTIES, DEFINITIONS

### 1-101 Purpose

The purpose of these Regulations is to provide for the safe and sanitary practice of Body Art, the safe and sanitary physical environment where Body Art is performed, the safe and sanitary conditions of equipment utilized in Body Art procedures, and to outline the regulatory functions of the Jefferson County Public Health (JCPH), in relation thereto.

### 1-102 Authority

- (a) Body Artists, C.R.S. §25-4-2101, et. seq., (“Body Art Act”), sets forth a regulatory structure for the practice of Body Art.
- (b) Pursuant to the authority granted in the Body Art Act, the State Board of Health of the Colorado JCPH of Public Health and Environment has adopted Rules and Regulations for Body Art Establishments, 6 CCR 1010-22 (“CDPHE Regulations”), which establishes the standards for Body Art Establishments and the practice of Body Art.
- (c) Pursuant to the Body Art Act, as well as C.R.S. §25-1-506, C.R.S. §25-1-508 and C.R.S. §25-1-509, the Board of Health of JCPH is authorized and empowered to adopt rules and regulations which establish standards for Body Art Establishments and the practice of Body Art.

### 1-103 Definitions

1. **AFTERCARE INSTRUCTIONS** mean written instructions given to the client, specific to the body art procedure(s) rendered on caring for the body art and surrounding area. These instructions shall include information regarding when to seek medical treatment if necessary.
2. **ANTISEPTIC** means a substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol, iodophor). It should not be used to decontaminate inanimate objects.
3. **APPROVED** means acceptable to JCPH.
4. **BLOODBORNE PATHOGEN** means disease-causing microorganisms that are present in

human blood. These pathogens include, but are not limited to: hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

5. BODY ART ESTABLISHMENT means any location, whether temporary or permanent, where the practices of body art are performed.
6. BODY ART means the practice of physical body adornment by establishments or artists utilizing, but not limited to, the techniques of body piercing, tattooing, branding, sculpting, and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law nor piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems.
7. BODY ARTIST means any person who performs body art procedures.
8. BRANDING means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
9. CONTAMINATED means the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.
10. CONTAMINATION means to make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials
11. CRITICAL ITEM VIOLATION means a provision of these rules that, if in non-compliance, has the potential for immediate impact on the public health by resulting in infection of either clients or staff of a body art facility, or disease transmission among clients or staff of a body art facility. These items are denoted in these rules and regulations with an asterisk(\*). (Imminent public health hazard: positive spore test and/or no hot water require 24 hour follow-up).
12. C.R.S. means Colorado Revised Statutes
13. DISINFECTANT means an EPA registered hospital grade disinfectant which has effectiveness against HBV, HIV, *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa* or a 1:100 ratio of 5.25% sodium hypochlorite (chlorine bleach) and water, or ½ cup of 8.25% sodium hypochlorite and one gallon water, or other ratios for disinfectant specified on the bleach container, made fresh daily,

dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces. See specific label of the product used for instructions.

14. DISINFECTION means to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling. This is not the same as sterilization.
15. EVENT COORDINATOR means the person responsible for obtaining JCPH approval for a temporary body art event held in Jefferson County, and the person responsible for ensuring compliance with these regulations at temporary events.
16. GLOVES mean those which are disposable and single use and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use and waterproof.
17. HECTOGRAPHIC means a copy made from a prepared gelatin surface to which the original document has been transferred.
18. INFECTIOUS WASTE or REGULATED WASTE means blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling; contaminated sharps; and human pathological/anatomical waste.
19. INFECTION and EXPOSURE CONTROL PLAN means a written plan outlining the practices and procedures for the safe operation of a body art establishment.
20. INVASIVE means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa or any other means intended to puncture, break, or compromise the skin or mucosa.
21. JCPH means Jefferson County Public Health (JCPH) or its authorized agents and employees.
22. JEWELRY means any personal ornament inserted into a newly pierced area of the body, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold; niobium, titanium, platinum or FDA approved F 138 or ISO equivalent 5832-1; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces.

23. LICENSED BODY ART ESTABLISHMENT means any location where the practices of body art are performed and the operation has been approved by JCPH.
24. MINOR CLIENT means any person under the age of eighteen (18) years.
25. MOBILE BODY ART ESTABLISHMENT means a body art establishment that is readily moveable; is a motorized, wheeled vehicle; or is a towed, wheeled vehicle designed to be self-sufficient for utilities such as gas, water, electricity and liquid waste disposal; and equipped to conduct body art procedures from the interior of the unit.
26. PERSON IN CHARGE means the owner, manager or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition to his/her own separate areas and practices.
27. PIERCING means puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening, except that puncturing of the outer perimeter or lobe of the ear with sterilized stud—and—clasp ear piercing system shall not be included.
28. PRE-STERILIZED INSTRUMENTS mean those that are commercially sterilized by the manufacturer. Each package shall bear a legible sterilization lot number and expiration date.
29. PROCEDURE AREA means any surface of an inanimate object that contacts the client's skin during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing. This definition includes the immediate area and all surfaces where instruments and supplies are placed during a procedure.
30. REUSABLE DEVICES means instruments or other items of equipment that are approved by the manufacturer for reuse after appropriate cleaning, decontamination, and sterilization.
31. SCARIFICATION means an invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.

32. SCLERAL TATTOOS (eye injection/tattooing) are prohibited by JCPH.
33. SINGLE USE means a disposable item intended and designed to be used only one time on one individual.
34. SCULPTING means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
35. SERVICE ANIMAL means a dog or other animal that is individually trained to do work or perform tasks for a person with a disability, as it complies with the most recent version of the Americans with Disabilities Act (ADA). Emotional support animals are not considered by ADA to meet the definition of service animals.
36. SHARPS CONTAINER means a puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.
37. SHARPS mean all objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single use needles, scalpel blades and razor blades. It does not include disposable safety razors which have not broken the skin.
38. STERILIZATION means a process that result in the total destruction of all forms of microbial life, including highly resistant bacterial spores on reusable equipment and devices in direct contact with bodily fluids.
39. STERILIZER means an autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.
40. TATTOOING means inserting pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin.
41. TEMPORARY EVENT means an industry trade show, convention, procedural/product demonstration, educational seminar, or other similar event at which body artists perform body art services and procedures outside of a permanent body art establishment licensed by JCPH and lasts no longer than fourteen (14) consecutive days.

42. ULTRASONIC CLEANING UNIT means a piece of equipment approved by JCPH, physically large enough to fully submerge instruments in liquid, which removes foreign matter from the instruments by means of heat and/or high frequency oscillations transmitted through the contained liquid.
43. UNIVERSAL PRECAUTIONS mean a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B and other bloodborne pathogens as defined by the Centers for Disease Control. Under Universal Precautions, blood and certain body fluids of all individuals are considered infectious.

## **SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS**

### **2-201 Minimum Requirements for Body Artists**

All body artists shall comply with the following:

- a) Possess and demonstrate knowledge of Universal Precautions, disinfection and sterilization techniques, procedures for infection and exposure control required in section 8-801(a), and the Infectious Waste Management Plan required in Section 8-801(b).
- b) Provide proof of successful completion of a bloodborne pathogen course within 30 days of hire; must be renewed every year.
- c) A Certificate of Completion shall be posted in a conspicuous place visible to patrons and available upon inspection.
- d) Receive vaccination against hepatitis B (HBV) or provide a written statement to the manager or owner of the body art establishment stating that he or she declines the vaccination.

## **SECTION 3: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS**

### **3-301 Person in Charge**

The body art establishment must have a person(s) in charge at all times who is responsible for the operation.

### **3-302 Employee Records**

The following information on each employee of a body art establishment shall be on file and available for inspection by JCPH:

- a) Full legal name
- b) Home address
- c) Home/cell phone number
- d) Proof that all employees handling sharps and/or infectious waste have either completed or were offered and declined, in writing, the hepatitis B vaccination

series. This offering shall be included as a pre-employment requirement and comply with 2-201(b).

- e) Copies of any required licenses and training certificates.

### **3-303 Contracts, Logs, and Other Records as Required**

The person in charge shall have access to the following information and it shall be on the premises for review by JCPH:

- a) Contract, agreement, or receipt for sharps disposal and/or other Infectious/Regulated Waste disposal
- b) Spore test log and test results
- c) Client records dating back three (3) years; or digitally accessible
- d) Manufacturer's information on autoclave/sterilization equipment
- e) Infection and exposure control written procedures
- f) Establishment license posted in a conspicuous location

### **3-304 Application**

A completed body art establishment license application shall be filed with JCPH by any person intending to operate a body art establishment within Jefferson County.

### **3-305 Plan Review Required**

No new or extensively remodeled body art establishment shall be permitted to operate until a plan review has been conducted and JCPH has conducted a pre-opening inspection and determined that the establishment is in compliance with JCPH Body Art Regulations.

### **3-306 Inspection, Fees, Compliance**

JCPH shall issue a body art establishment license after determining through a pre-opening inspection that the establishment is in compliance with JCPH Body Art Regulations and after all related fees and any penalties due to JCPH have been paid. Persons obtaining a Body Art Establishment License must maintain compliance with all requirements of these Rules and Regulations.

### **3-307 License to Operate**

- a) No person, firm, partnership, joint venture, association, business trust, corporation, or any organized group of persons may advertise body art services or operate a body art establishment in Jefferson County, Colorado, unless it has received a body art establishment license from JCPH.
- b) All individual body art establishments must have a separate license.
- c) The license will be valid for the calendar year in which the license was issued and may be renewed annually.

- d) A license for a body art establishment shall not be transferable from one owner or establishment to another.
- e) A current body art establishment license shall be posted in a prominent and conspicuous area where clients may readily observe it.
- f) JCPH will set the annual license fee, which may be no greater than required to offset the actual costs of JCPH's services associated with administering the body art program.
- g) For temporary events, body art establishment applicants/operators shall obtain a temporary event license for each temporary event. Temporary events shall not exceed 14 consecutive days. JCPH will set the temporary event license fee so as to recover all costs of JCPH's services that are associated with the particular temporary event that the license covers.
- h) Operations only conducting permanent makeup procedures are exempt from the licensing portion of this regulation. Permanent makeup is not regulated by JCPH; however, the operator must contact the Colorado Board of Cosmetology for their requirements and follow these regulations.

### **3-308 Valid Dates**

An operating license is valid for that calendar year only (January 1<sup>st</sup> to December 31<sup>st</sup>) and must be renewed annually. A license fee will be charged and must be paid to JCPH prior to the initial opening or before a current license expires. Regardless of the date the license is issued, the fee will not be prorated.

### **3-309 Change of Ownership**

When a body art establishment changes ownership both the facility and its operation shall be brought into full compliance with these regulations prior to the issuance of the license. The new owner must contact JCPH prior to operation.

## **SECTION 4: CLIENT RECORDS**

### **4-401 Client Record Retention**

The person in charge shall have access to and shall maintain client records on the premise for a minimum of three (3) years. The client records shall be available for review by JCPH.

### **4-402 Client Health**

The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. In order to assure insofar as possible the proper healing of a client following a body art procedure, the client shall be asked to disclose if he/she has any of the following:

- a) Diabetes
- b) Hemophilia
- c) Skin diseases or skin lesions
- d) Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals
- e) Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting
- f) Pregnant and/or breast feeding
- g) Neurological or immune compromised
- h) Any adverse reactions or complications to previous body art or other information that would aid the body artist in the client's body art healing process evaluation.

#### **4-403 Client Consent Forms and Aftercare Instructions**

Client consent form and aftercare instructions shall be obtained prior to all procedures, but not be limited to, the following:

- a) Name, address and current phone number of the client
- b) Date(s) of the procedure
- c) The type and location of the body art
- d) Sterilization date or package/lot number used during the procedure
- e) Source/manufacturer and lot number of ink, pigment or dyes if any are used in the procedure
- f) Documentation that both written and verbal instructions regarding risks, outcome and aftercare were given to the client including:
  - 1) Providing the client the name, address, and phone number of the establishment and the name of the body artist who performed the procedure;
  - 2) Advising the client to consult a physician at the first sign of adverse reaction (i.e. , allergic reaction, swelling, infection, illness, or disease) and expected duration of healing;
  - 3) Detailed description of how to care for the body art procedure site;
  - 4) Proper hand washing prior to handling, cleaning and caring for the procedure site;
  - 5) Instructions to use clean bed linens and bath towels throughout the healing period;
  - 6) Restriction of any physical activity, swimming, bathing, sauna use, etc.;
  - 7) Explanation that body art should be considered permanent; and
  - 8) Possible side effects from the procedure.

#### **\*4-404 Minor Client:**

In the case of a minor client, the following additional information shall be recorded on the client consent form prior to all procedures:

- a) Name, address, current phone number and signature of parent or legal guardian giving consent for their children under 18 years old. If a client is under 18 years old and provides proof of emancipation, a copy of this record must be kept with their file.
- b) A description or copy of documentation shown to the body artist to indicate parentage or guardianship such as an original copy of a birth certificate or original court order of guardianship.
- c) A copy of a state or federal photo I.D. of the person attesting to their status as custodial parent or legal guardian of the minor client, and their signed written consent to allow a specific body art service to be performed on the minor client.

## **SECTION 5: FACILITY AND OPERATIONAL REQUIREMENTS**

### **5-501 Procedure and Instrument Cleaning Areas**

All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants.

### **5-502 Toilet Facilities**

Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily cleanable material. It shall be the responsibility of the body art operator to ensure restroom facilities are in good working order. All restroom hand sinks must be in good working order, have hot and cold water, and be stocked with soap and paper towels at all times. This includes restrooms that are rented, shared, or owned.

### **5-503 Premises Maintained**

The premises shall be maintained clean and in good repair.

### **5-504 Lighting**

At least fifty (50) foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.

### **5-505 Cleanable Surfaces**

All surfaces, including but not limited to, counters tables, equipment, chairs, recliners, shelving and cabinets in the procedure area and instrument cleaning room shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.

### **\*5-506 Hand sinks**

Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature at hand sinks is 90° F (35° C). Hand sinks

are required in each procedure area, may be shared by two artists and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in the biohazard room and each toilet room.

#### **5-507 Separate Cleaning Areas**

Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment, and for the handling and storage of sterilized equipment.

#### **5-508 Designated Sinks**

Instrument cleaning sinks and utility sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature shall be 110°F (43°C). Utility sinks, instrument cleaning sinks and hand sinks shall be separate and must only be used for their designated purpose.

#### **\*5-509 Water, Approved Source**

Water shall be supplied from a source approved by JCPH.

#### **5-510 Sewage Disposal**

Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law. A conveniently located utility sink or curbed cleaning facility provided with hot and cold water shall be provided and used for the cleaning of mops or similar wet floor cleaning materials, and for the disposal of mop water or similar liquid wastes in newly constructed, new ownership or extensively remodeled establishments.

#### **5-511 Disposal of Refuse**

Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.

#### **5-512 Waiting Area**

All facilities shall have a waiting area that is separate from the body art procedure area and from the instrument cleaning, sterilization, and storage areas.

#### **5-513 Laundry**

Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140° F, unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140° F as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.

#### **5-514 Animals**

Animals shall not be allowed in the body art procedure areas or the instrument cleaning, sterilization, or storage areas. Fish aquariums and/or service animals shall be allowed in waiting rooms and non-procedural areas. Service animals shall be allowed in procedure areas if necessary.

#### **5-515 Chemical Storage**

All chemicals shall be labeled with contents, properly stored, and used according to label instructions.

#### **5-516 Separation of Living Spaces**

All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other such activities that may cause potential contamination of work surfaces.

#### **5-517 Threaded Faucets**

Utensil washing and utility sinks with threaded faucets shall be equipped with back flow prevention devices approved by JCPH.

#### **5-518 Adequate Ventilation**

In facilities that conduct branding adequate ventilation shall provide free and unrestricted circulation of fresh air throughout the body art establishment and the expulsion of foul odors and stagnant air.

#### **\*5-519 Sharps and Infectious/Regulated Waste**

Sharps and Infectious/Regulated Waste must be handled in a manner consistent with §25-15-401, CRS.

- a) Discarded sharps shall be disposed of in sharps containers. Sharps container shall not be filled past the rim/overflowing.
- b) Full bulk sharps containers must be disposed of by an approved, off-site treatment facility within 48 hours, or as required by JCPH.
- c) Infectious/Regulated Waste other than sharps shall be placed in impervious, tear resistant, plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol.
- d) Sharps and Infectious/Regulated Waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on-site if the treatment complies with all federal, state and local requirements.
- e) On-site treatment requires a written plan outlining disposal as required in Section 8-801(b)10.

### **5-520 Applicability of Local Codes**

All facilities shall be constructed and completed in accordance with all applicable local codes including the layout of the reception area, the procedure areas, the cleaning and sterilization area, and the toilet facilities.

## **SECTION 6: TEMPORARY & SPECIAL EVENT BODY ART REQUIREMENTS**

### **6-601 Temporary Events**

Temporary event licenses are required and may be issued when:

- a) The event coordinator has submitted a completed temporary event coordinator form for the temporary event to JCPH at least 30 days prior to the proposed start date.
- b) The event coordinator has paid all fees required by JCPH.
- c) Body artists have complied with Section 2-201 of these regulations.
- d) JCPH determines that the temporary event facility is in compliance with Section 6 of these regulations.

### **\*6-602 Temporary Event Requirements**

Except for the following modifications, temporary events shall comply with all provisions of these regulations:

- a) When permanent hand washing stations are not readily accessible, body artists may utilize temporary hand washing stations that are capable of providing a hands-free, continuous flow of warm potable water. All water shall be from an approved source, and the water supply must be of adequate volume and pressure to facilitate proper hand washing. Any temporary hand sink will be approved by JCPH prior to the event. Liquid soap or detergent and individual paper towels shall also be provided.
- b) Temporary hand washing stations shall be used only for hand washing and located in such a manner as to not potentially contaminate a body artist's workstation.
- c) The event coordinator must ensure that water supplies for temporary hand washing stations are replenished as needed.
- d) Wastewater from temporary hand washing stations shall be collected in a sanitary container. The event coordinator is responsible for ensuring that wastewater containers are drained into an approved sanitary sewage system as frequently as needed.
- e) All instruments in direct contact with bodily fluids used for a body art procedure shall be single use and commercially sterilized. Reusable devices are permitted as

long as onsite sterilization is provided in an approved designated area. Body artists shall comply with all provisions of these regulations in their entirety.

- f) Body artists may bring pre-sterilized instruments, or instruments which have been sterilized at another approved location with documentation showing a negative spore test result within the previous 30 days or less prior to the date of the event; or only single-use, prepackaged, sterilized equipment obtained from reputable suppliers and manufacturers will be allowed.
- g) If at any time this event violates any part of these regulations and is presenting significant health hazards to the public, the temporary event will be required to cease all operations.

#### **6-603 The following pertain to temporary event licenses:**

- a) Temporary event licenses shall be valid for a period of not more than fourteen (14) consecutive days beginning on the first day of the temporary event.
- b) Temporary event licenses are valid for one location and are not transferable from one place to another.
- c) Temporary event licenses shall be posted in a prominent location and shall be conspicuously visible to patrons.
- d) Temporary event license will be issued to the coordinator after the onsite inspection has been completed and the temporary event meets all requirements of section 6 of these regulations.

### **SECTION 7: MOBILE BODY ART ESTABLISHMENTS**

#### **7-701 Mobile Unit License**

Mobile units shall be licensed body art establishments. Mobile body art establishments are licensed for use only at special events, lasting 14 calendar days or less.

#### **7-702 Mobile Unit License Compliance**

A mobile license must be obtained at least 30 days prior to operation, and no body art procedures are to be performed before a license is issued. License holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

#### **7-703 Mobile Unit Inspections**

Mobile body art establishments must receive an initial inspection at a location specified by JCPH prior to use to ensure compliance with structural requirements. Additional inspections may be performed at events where the mobile body art establishment is scheduled to operate.

## 7-704 Mobile Unit Operations at Temporary Events

In order to obtain approval to operate during a temporary event, a mobile unit operator must work with the event coordinator to ensure that their mobile unit is included in the temporary event permit application.

### \*7-705 Mobile units must comply with the following:

- a) All provisions of these regulations shall apply with mobile operations in their entirety.
- b) Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight fitting screens of at least 16 mesh per inch or greater. Inoperable windows shall be sealed shut.
- c) Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle. All doors shall be kept closed to help prevent contamination of surfaces within the mobile unit.
- d) Body artists may bring pre-sterilized instruments, or instruments which have been sterilized at another approved location with documentation showing a negative spore test result within the previous 30 days or less prior to the date of the event; or only single-use, prepackaged, sterilized equipment obtained from reputable suppliers and manufacturers will be allowed. On site cleaning and sterilization units for use in mobile units is prohibited. Mobile units shall have onboard sufficient instruments, equipment, and supplies to perform Body Art procedures.
- e) The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from culinary or domicile areas.
- f) The mobile body art establishment shall be equipped with an equipment-washing sink and a separate hand wash sink for the exclusive use of the operator/technician for handwashing and preparing the client for the body art procedures. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified.
- g) The water supply tank(s) shall be designed to be easily flushed and with a drain that permits complete drainage of the tank. The potable water tank shall have no

common interior partition with the wastewater tank(s) or with any other tank(s) holding any other liquids. The water tank overflow or vent shall terminate in a downward direction and shall be located and constructed so as to prevent the entrance of contaminants. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified.

- h) All wastewater shall be drained to a retention tank at least 15% larger than the potable water storage capacity of the unit. Wastewater shall be delivered to the retention tank by means of one of more sinks or other approved plumbing fixtures and a sealed drain pipe. Wastewater shall be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions. Liquid wastes shall be disposed of at a site approved by JCPH.
- i) The potable water tank inlet and wastewater tank outlet shall be permanently fitted in a manner to preclude the connection of a potable water hose to the wastewater tank drain or a wastewater drain hose to the potable water tank inlet.
- j) When restroom facilities are made available within the mobile body art establishment: a hand wash sink must be available inside the restroom cubicle. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing, and adequate ventilation must be available.
- k) When restroom facilities are not made available from within the mobile body art establishment, restrooms shall be approved by JCPH and located within 200 feet from the mobile unit and accessible while the mobile unit is in operation.

## **SECTION 8: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

### **\*8-801 Written Procedures**

- a) Every mobile, temporary or permanent body art establishment shall have and comply with written procedures for infection and exposure control. All procedures for the written plan shall be in compliance with Occupational Safety and Health Administration, Centers for Disease Control and Prevention standards, and all local and state regulations. All procedures developed for the written plan shall be in compliance with standards and all local and state regulations.
- b) These written procedures shall include, but are not limited to:
  - 1) Instrument cleaning and sterilization
  - 2) Cleaning and disinfection of the procedure area(s), as required in Section 9-

902(g)

- 3) Universal Precautions procedures
- 4) Storage and disposal of sharps
- 5) Post exposure procedures
- 6) Use of personal protective equipment
- 7) Hand washing procedures
- 8) Chemical storage and safety
- 9) Injury and illness prevention; and
- 10) Infectious Waste Management plan, consistent with CRS 25-15-401, including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of Infectious/Regulated Waste.

## **SECTION 9: INSTRUMENTS/STERILIZATION**

### **9-901 Instrument and Jewelry Cleaning**

- a) All non-disposable instruments and jewelry that penetrate body tissue, and all non-disposable tubes, grips, forceps, jewelry tools, etc. that can be sterilized shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use.
- b) Employees shall wear heavy-duty, multi-use, and waterproof gloves while cleaning instruments. Garment protection in the form of disposable aprons, eye protection, surgical face mask and sleeves is recommended.
- c) All unused instruments placed in the procedure area shall be repackaged and re-sterilized.
- d) Used instruments shall be soaked in a disinfectant manufactured for the specific purpose of treating blood soaked instruments until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer.
- e) Instruments shall be disassembled for cleaning.
- f) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.

### **9-902 Instrument Packaging/Wrapping**

- a) Employees shall wear clean gloves while packaging/wrapping instruments.
- b) Instruments shall be wrapped or packaged with a sterilizer indicator on or in each package.
- c) All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six (6) months after the date of sterilization.
- d) Packages that have reached the expiration date established by the manufacturer or

in the absence of such expiration date have reached a date equivalent to six months after the date of sterilization, or that has been otherwise compromised either in handling or storage, will no longer be considered sterile.

#### **\*9-903 Instrument Sterilization**

- a) The sterilizer shall be designed and labeled as a medical instrument sterilizer.
- b) The operators' manual for the sterilizer shall be available on the premise, and the sterilizer shall be operated according to manufacturer's recommendations.
- c) The sterilizer shall be cleaned and maintained according to manufacturer's specifications.
- d) A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load:
  - 1) Description of instruments contained in the load;
  - 2) Date of sterilization load and time or other unique identifier if more than one load is processed during a single day;
  - 3) Sterilizer cycle time and temperature;
  - 4) Indication of proper sterilization of instruments as evidenced by the appropriate color indicator change on each package. Indicator used shall be compatible with the sterilization process being used; and
  - 5) Description of the action taken when appropriate color indicator change did not occur.
- e) Sterilizer Monitoring:
  - 1) Sterilizer monitoring shall be performed a minimum of 30 days (unless more frequent monitoring is specified by the manufacturer or by JCPH) by using a commercial biological monitoring (spore) system;
  - 2) All biological indicators shall be analyzed by a laboratory independent from the establishment;
  - 3) Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times; and
  - 4) JCPH may require the operator to submit copies of the monthly sterilizer monitoring results by email, facsimile or in person.

#### **9-904 Ultrasonic Cleaners**

- a) All ultrasonic cleaners shall be capable of heating the cleaning solution.
- b) All ultrasonic cleaners shall have the capacity to adequately clean the volume of dirty instruments generated.
- c) The aerosolized particulates generated by the ultrasonic cleaner shall be contained by adequately covering the cleaner while in use.

- d) In rooms where clean instrument handling is taking place an ultrasonic cleaner shall not be in operation at the time that sterile packages are being handled.
- e) The operation of ultrasonic cleaners in procedure areas is prohibited.

#### **9-905 Instrument Storage**

- a) Hands shall be washed and gloved with single use gloves prior to handling sterilized instrument packs.
- b) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments and in a manner that limits the sterility of the packaging being compromised.

#### **9-906 Single Use Items**

- a) Single use items shall be stored in a dry, clean manner.
- b) Single use items shall be handled in such a manner that prevents any contamination.
- c) Single use items including markers shall be used for only one procedure, not be used on more than one client and shall be disposed of after the procedure.
- d) Contaminated single use needles, razors and other sharps shall be disposed of immediately in approved sharps containers.

#### **9-907 Instrument Recall**

- a) In the event of a positive biological indicator result or mechanical failure, all items sterilized since the time of the last negative biological monitor result shall immediately be recalled and prohibited from use until cause of positive biological indicator test result is identified. The sterilizer shall not be used to sterilize instruments until the cause of positive indicator testing is identified.
- b) Biological monitor testing shall be repeated and if negative, all recalled items may be used and sterilization may continue. If repeat testing is positive, sterilizer servicing shall be performed. The sterilizer may not be used until sterilizer service is complete and biological indicator testing is negative.
- c) If a mechanical or procedural failure was identified as evidenced by a repeat positive biological indicator test, the facility shall re-sterilize all recalled instruments and assess if any items were used since the time of the last negative indicator test. JCPH shall immediately be notified of the mechanical failure.

### **SECTION 10: BODY ART PROCEDURE**

#### **\*10-1001 Prohibitions**

The following are prohibited:

- a) Body art procedures performed anywhere for any reason except within a licensed or approved body art establishment.
- b) Procedures performed on any person who is noticeably impaired by drugs or alcohol.
- c) Smoking, vaping, eating and drinking in the procedure and/or instrument cleaning areas. This excludes hard candies for client use.
- d) Procedures performed on skin surfaces that have sunburn, rash, pimples, boils, infections, moles, or manifest any evidence of unhealthy conditions.
- e) Body art procedures on a minor client without the express written consent from the minor's custodial parent or legal guardian as described in Section 4-403.
- f) Any procedure that must be conducted under the supervision of a physician licensed to practice medicine under Colorado law, as required in JCPH of Regulatory Agencies, Colorado Medical Board, Rule 800 – Delegation and Supervision of Medical Services to Unlicensed Health Care Providers Pursuant to Section 12-36-106(3)(I), C.R.S.
- g) Scleral tattooing.

#### **10-1002 General Body Art Procedures**

The following procedures shall be practiced by all body artists:

- a) Thoroughly wash hands with soap and warm water for at least 20 seconds before and after serving each client. Following thorough washing, hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air.
- b) Wear new, clean single use gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves.
- c) Change drapes, lap cloths or aprons between each client. If multi-use, these items shall be washed according to Section 5-513 prior to reuse.
- d) Wear new, clean single use gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client.
- e) Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single use portions and shall be applied to only one client.
- f) Discard single use ointment tubes, applicators and supplies after the procedure.
- g) After and before each client, use a disinfectant according to label instructions and a single use paper towel to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.

#### **10-1003 Procedures Specific to Tattooing**

- a) The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin except that when the design is drawn free hand, non-toxic single use markers and/or ballpoint pens or other non-toxic single use devices shall be used. Multi-use stencils are prohibited unless they can be properly disinfected between uses.
- b) Before placing the design on the skin the body artist shall clean the area with soap and if necessary, shave off any hair with a disposable, single use safety razor or a disinfected multi-use razor. The area shall be treated with an antiseptic prior to stencil application.
- c) Inks, dyes, or pigments in single use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.
- d) Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single use product.
- e) After the procedure is completed the area tattooed shall be covered with a clean and appropriate absorbent bandage and held in place with a suitable skin tape. Plastic wrap is not recommended.
- f) Materials used for bandaging shall be stored and handled in a clean manner free from possible contamination.

#### **10-1004 Procedures specific to Body Piercing**

- a) The body area to be pierced shall be cleaned with soap where appropriate and treated with a medical antiseptic prior to beginning the piercing procedure. The use of medical antiseptics whether topical or oral shall comply with the manufacturer's recommendations.
- b) All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container.
- c) Only sterilized jewelry or new jewelry that has been disinfected and is clean and in good condition shall be used. Jewelry surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals, and must have a consistent mirror finish.
- d) Stud-and-clasp systems shall be used according to manufacturer's instructions and shall only be used on the earlobe or the outer perimeter of the ear.

## **SECTION 11: INSPECTIONS**

### **11-1101 Permit Entry**

Agents of JCPH, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating

complaints and to determine compliance with these regulations. Agents of JCPH shall only enter a procedure area with the client's consent.

#### **11-1102 Document Review**

The agents shall be permitted to examine documents or true copies of documents relative to requirements of these regulations.

#### **11-1103 Inspection Report**

Whenever an inspection of a body art establishment is made the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection.

### **SECTION 12: ENFORCEMENT, PENALTIES, AND EMERGENCY CLOSURE**

#### **12-1201 Emergency Closure**

In accordance with the provisions of Section 25-1-506(3)(b)(V),(VI),(VII), and (VIII), C.R.S., JCPH has the power and duty to close body art establishments, to forbid gatherings of people therein, and to exercise other control over body art establishments as they may find necessary to protect the public health and to eliminate sources of epidemic and communicable disease. Emergency closure will be used when the situation requires emergency action to protect public health.

#### **12-1202 Compliance with Body Art Regulations**

Body Art establishments in operation at the time of the enactment of this code shall be required to make application to JCPH and must comply with these regulations. Establishments that continue to operate without proper licenses from JCPH or which operate in violation of these regulations will be subject to the penalty provisions under Section 12 of this regulation.

#### **12-1203 Notification of Non-Compliance**

JCPH shall initially notify the operator in writing of any violations observed in the establishment and provide a reasonable period of time to achieve compliance.

#### **12-1204 Non-Compliance, Civil Penalty**

JCPH, after investigation and notification of violation, may assess penalty fees for violations of this regulation not to exceed \$250 for each day of violation as specified in CRS §25-4-2102. Each day of a violation shall be considered a separate offense. JCPH shall consider the degree of danger to the public caused by the violation, the duration of the violation, and whether such facility has committed any similar violations.

### **12-1205 Failure to Pay Civil Penalty**

Failure to pay a civil penalty assessed by JCPH shall constitute a separate violation which shall be subject to the assessment of one or more additional civil penalty assessments.

### **12-1206 Suspension or Revocation of License**

- a) Licenses issued under the provisions of this regulation may be suspended temporarily by JCPH for failure of the holder to comply with the requirements of this regulation.
- b) Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this regulation, the operator may be notified in writing that an administrative hearing with JCPH has been scheduled to temporarily revoke the holder's or operator's license. The hearing shall provide the holder or operator with an opportunity to be heard. Following the hearing, JCPH has the discretion to temporarily suspend or revoke the license.
- c) Any person whose license has been suspended may, at any time, make application for reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that specifies that the conditions causing suspension have been corrected, and the submission of the appropriate re-inspection fees, JCPH shall re-inspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this regulation, the license may be reinstated.
- d) For repeated or serious violations of any of the requirements of this regulation or for interference with JCPH personnel in the performance of their duties, licenses may be permanently revoked after a hearing. Before taking such action, JCPH shall notify the license holder or operator in writing stating the reasons for which the license is subject to revocation and advising the license holder or operator of the requirements for request for a hearing. A license may be suspended for cause, pending its revocation or a hearing relative thereto.
- e) The hearings provided for in this section must be conducted by JCPH at a time and place designated by JCPH. Based upon the record of hearing, JCPH shall make a finding and may sustain, modify, or rescind any official notice or order considered after the hearing. A written report of the hearing decision must be furnished to the license holder or operator by JCPH.